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## VIN SUPRYNOWICZ: Ask the tyrants why they're opposed

"Constitutional amendments we'd like to see" is usually an ineffective game.

But this one keeps occurring to me. It's about 600 words, but I still believe it passes the basic test of comprehensibility, despite being in three parts. It also gives us a litmus test to determine who - if anyone -- in the political world really favors smaller government.

It would not solve all our problems. Only a populace dedicated to the idea of expansive freedom and sharply limited government could set us back on that road. But it would be a start:

"1) Given that the courts and the Congress have consistently defied the wish, command, and instruction of the people to have, to erect and enjoy a federal government of sharply limited powers, often by giving a willfully and absurdly broad reading to any and all constitutional provisions containing the phrases "general welfare" and "interstate commerce," the words "welfare" and "commerce," and the phrases "general welfare" and "interstate commerce," wherever they occur and in whatever context, are hereby stricken from this Constitution in all occurrences, and are to be treated as though they were never present in that document, and about the fact that these deletions may render some sentences in such document ungrammatical we the people hereby declare ourselves to not give a damn.

"Judges are instructed that if there is anything in the Constitution of which they cannot make plain sense, they must err on the side of assuming it grants no power to the government, and restricts no natural right of the people, express or implied.

"2) Because the central government, its agents, officials and branches have so vastly abused their previously delegated power to regulate interstate commerce, which was intended only to block counterproductive tariff barriers between the states, the people and the states hereby repeal that grant of power to the central government. The central government from the date of ratification of this article of amendment shall have no power to regulate interstate commerce, nor any thing or service that moves in interstate or intrastate commerce, specifically including but not limited to plants, crops, foodstuffs, medicines, drugs, firearms, and any other weaponry or instruments which might eventually prove useful in the overthrow of said central government, should it or its members persist in the despicable habit of claiming and exercising powers not specifically granted. All powers and authorities previously claimed by any legislature, court or official on the basis of those phrases are hereby instantly and permanently repealed.

"The powers of the Congress of the central government are limited to those specifically enumerated in the words of Article One, Section 8 -- all references to "general welfare" and "interstate commerce" having been deleted -- and any member of any of the three branches of the central government who shall propose to exceed these limited powers shall be subject to immediate seizure, trial, and -- if unanimously convicted by a jury of taxpayers -- execution for treason.

"3) The responsibilities and powers of the central government having been vastly reduced by the

first two sections of this amendment, and the government's need for revenue thus concomitantly reduced, all federal taxes on income, dividends, capital gains, and on estates at death, be they personal, corporate, or other, as well as any and all Constitutional authorization to levy such taxes (if any) are hereby repealed, and the Congress shall not 'make up the difference.'

"The amount of the federal budget which has been funded by the above-mentioned taxes shall be calculated, and the amount of annual federal spending reduced and limited to the total spent in the year prior to this enactment less the amount contributed by said taxes mentioned above, and also less any amount financed by borrowing, such spending amount being set as the maximum limit of all future annual federal spending, regardless of emergencies, with the 'dollar' defined for purposes of this calculation as having a constant value equal to one twentieth of an ounce of silver. Amen."

Others will offer their own proposals. Another strongly worth considering would be an amendment requiring the judge at every jury trial to inform the jury they have the right and power to "judge the law as well of the facts, bringing a verdict of innocence in the face of and despite any and all facts in the case, should you judge the law to have been misapplied in this case, or should you find the law itself to be an affront to the conscience of the community." Furthermore, "You have a right to see a copy of the current statute book containing the law under which the defendant is charged, that your reading of the law itself shall have precedence over any interpretation of the law you may have been offered by this court, and further that you are not obliged to bring a unanimous verdict, that a hung jury benefits the defendant, and in the end you must vote your own conscience."

Please note that this amendment would grant no new right or power -- excepting perhaps the right to read the actual law, a curious omission of current process (why do we write them down, anyway?) -- that it instead merely requires the court to inform jurors of rights and powers that the courts already acknowledge they possess, but of which judges are curiously reluctant to inform them.

Most will say these amendments would never pass. I believe the proper response is, "Yes, but do you think they ought to pass, and if not, why not?"

This may help us identify the friends of freedom and limited government, distinguishing them from the enemies of freedom and limited government.

Which might someday turn out to be a handy pair of lists to have.

Vin Suprynowicz is assistant editorial page editor of the daily Las Vegas Review-Journal, and author of "Send in the Waco Killers" and the novel "The Black Arrow." See [www.vinsuprynowicz.com/](http://www.vinsuprynowicz.com/).

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## Ask the tyrants why they're opposed

13 06 2010

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**VIN SUPRYNOWICZ**

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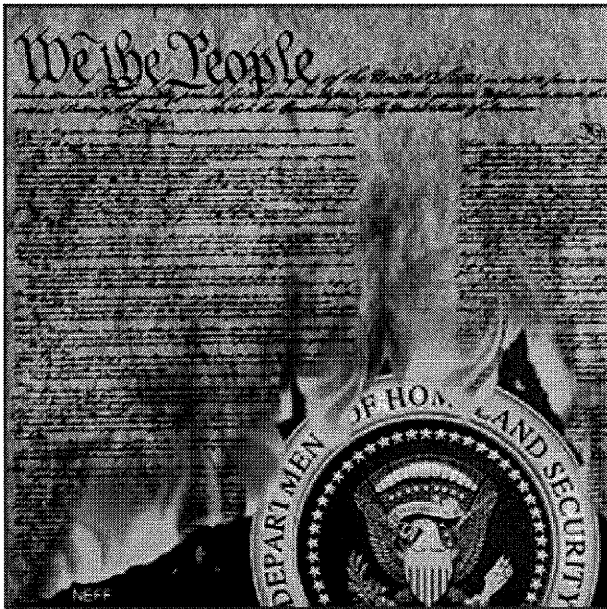
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- [Snark & Boobs](#) Exposing Asshattery in Washington, DC (and elsewhere if it makes me froth at the mouth), from a dame's point of view.
- [Stickee Notes](#) Harold Stickeehands blogsite: insightful & right commentary
- [Swashbuckling, Liberty & Waffles](#) : The Holy Trinity of Awesomeness! Political commentary from a libertarian point of view
- [Tenth Amendment Center](#) Tenth amendment issues
- [The AntiCrat](#) Freedom wasn't meant to be PERFECT, it was meant to be FREE....
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- [Atlas Shrugs](#) Pamela Gellar's stellar site
- [Big Government](#) Andrew Breitbart's Big Government
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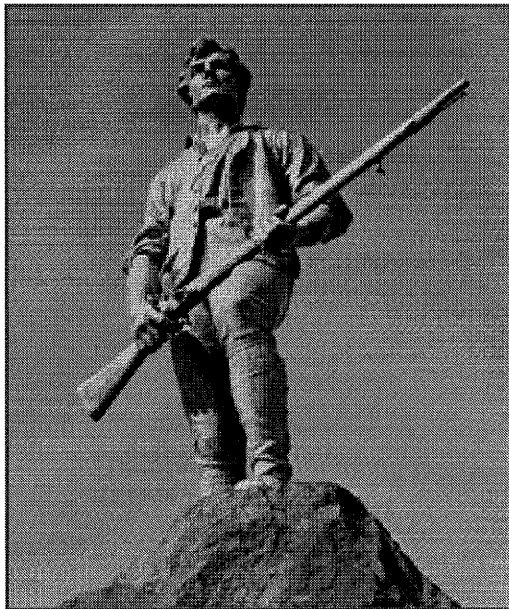


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# EXHIBIT 5

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